



Onchan District Commissioners

Maternity Leave Policy and Procedure

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Maternity Leave Policy

Policy Review - History:

Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

Effective from:	Replaces:	Originator:	Page X of Y
November 2019	New	Chief Executive/Clerk	1 of 12
Management Team Approval:			
Board Ratification:			
History or Most Recent Policy Changes – MUST BE COMPLETED			
Version:	Date:	Change:	

Maternity Leave Policy

1. Introduction

This Policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

Onchan District Commissioners ("the Authority") recognise that, from time to time, employees may have questions or concerns relating to their maternity rights. It is the Authority's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. If an employee becomes pregnant, she should clarify the procedures with her line manager to ensure that they are followed correctly.

2. Abbreviations and Definitions

The following abbreviations/definitions are used in this policy:-

'Expected week of childbirth' ("EWC") means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

'Qualifying week' means the 15th week before the expected week of childbirth.

CML	-	Compulsory Maternity Leave
OML	-	Ordinary Maternity Leave
AML	-	Additional Maternity Leave
MA	-	Maternity Allowance

3. Data Protection

When managing an employee's maternity leave and pay, the Authority processes personal data collected in accordance with its [data protection policy](#) / policy on processing special categories of personal data. Data collected from the point at which an employee informs the Authority that they are pregnant is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their maternity leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Authority's Protection Policy immediately. It may also constitute misconduct, which will be dealt with under the Authority's Disciplinary Procedure.

4. Notification of Pregnancy/Application for Maternity Leave

On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for the Authority.

By the end of the qualifying week, or as soon as reasonably practical afterwards, the employee is required to inform the Authority in writing, by completing the form at **Appendix 1** of:-

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

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The employee must also provide a certificate (MAT B1) from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The employee is permitted to bring forward her maternity leave start date, provided that she advises her line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises the Authority in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The line manager will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work (**Appendix 2**). If the employee qualifies for AML this date will be calculated on the basis that the employee will take OML and AML i.e. 52 weeks maternity leave and the return to work date will be the first working day after the end of AML. If the employee does not qualify for AML, the date will be calculated on the basis of OML i.e. 26 weeks maternity leave and will be the first working day after the end of OML.

5. Time Off for Antenatal Care

Once an employee has advised her line manager that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

6. Health & Safety

The Authority has a duty to take care of the health and safety of all employees and is also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding. The Authority will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, the Authority will take such steps as are reasonably necessary to avoid those risks, such as altering employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

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If it is not possible for the Authority to alter the employee's working conditions to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the Authority may suspend her from work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

7. Sickness Absence

If an employee is absent from work during pregnancy owing to sickness, the terms and conditions relating to sick pay as set out the contract will apply provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the 4th week before her expected week of childbirth, her maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify her line manager in writing of this as soon as reasonably practicable.

8. Maternity Leave

All pregnant employees are entitled to take up to 26 weeks' Ordinary Maternity Leave (OML) regardless of their number of hours or length of service. Employees who have completed 26 weeks' continuous employment with the Authority by 14 weeks before the expected week of childbirth are entitled to a further 26 weeks' additional maternity leave, making a total of 52 weeks.

9. Ordinary Maternity Leave (OML)

OML can start at any time after the beginning of the 11th week before the Employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:-

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before her maternity leave was due to start, she must notify her line manager in writing of the date of the birth as soon as reasonably practicable. Maternity leave starts automatically on the day following the date of birth.

The law obliges all employees to take a period of two weeks paid Compulsory Maternity Leave immediately after the birth of the child. This forms part of the OML period.

During the period of OML, the employee's contract of employment continues in force and she is entitled to receive her contractual benefits, except for salary. Annual leave entitlement will continue to accrue.

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Salary will be replaced by maternity allowance if the employee is eligible to receive it.

10. Additional Maternity Leave (AML)

AML begins on the day after OML ends.

During the period of AML, the employee's contract of employment continues in force but only some terms of the contract will continue to apply. Normal contractual benefits will be suspended and the only terms that apply during AML are the following:-

- The employee is entitled to benefit from the Authority's implied obligation of trust and confidence;
- The employee is entitled to receive her contractual notice period if her employment is terminated;
- The employee is entitled to receive a redundancy payment in the event of redundancy;
- The terms and conditions in the employee's contract of employment relating to disciplinary and grievance procedures will continue to apply;
- The employee is bound by her implied obligation of good faith to the Authority;
- The employee must give the Authority the notice provided in her contract if she wishes to terminate her employment;
- The employee is bound by the terms in her contract relating to disclosure of confidential information, the acceptance of gifts or any other benefits and the restrictions on participation in any other business.

During AML there is no entitlement to contractual annual leave in excess of the statutory minimum. The employee will continue to accrue statutory annual leave whilst on AML provided that the total leave taken or accumulated in the leave year does not exceed the 4 weeks statutory minimum. The Annual Leave Regulations 2007 make no provision for the carry forward of leave from one year to the next. The provisions of the Authority's Annual Leave Policy and Procedures will apply with regard to the carrying forward of annual leave accrued during maternity leave.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of OML. Employees are reminded that with the exception of the provision of the Annual Leave Policy and Procedures regarding the carrying forward of leave, holiday must be taken in the year that it is earned. Therefore, if the holiday year is due to end during maternity leave, the employee should take the full year's entitlement before starting her maternity leave.

11. Maternity Allowance (MA)

MA is a social security benefit that the employee may be able to claim if they stop work because they are pregnant or because they have just had a baby. It is payable for up to 39 weeks.

For more information go to www.gov.im/socialsecurity E-Mail incapacitybenefits@gov.im or telephone 685108/685109.

12. Contact during Maternity Leave

Shortly before an employee's maternity leave starts, the line manager will discuss the arrangements for her to keep in touch during her leave, should she wish to do so. The Authority reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease her return to work or simply to update her on developments at work during her absence.

13. Keep in Touch Days (KiT Days)

Except during the period of CML an employee can agree to work for the Authority (or to attend training) during either OML or AML (where applicable) for up to 10 days without that work bringing the period of maternity leave to an end and without loss of MA. These are known as 'keeping-in-touch' (KiT) days. Any work carried out on a day shall constitute a day's work for these purposes.

The Authority has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work undertaken, including the amount of salary paid for any work done on KiT days, is entirely a matter for agreement between the Authority and the employee. Any KiT days worked do not extend the period of maternity leave. Once the KiT days have been used up the employee will lose a day's MA for any day which she agrees to work for the Authority.

14. Returning to Work

The employee will have been formally advised in writing by the Authority of the date on which she is expected to return to work.

The employee is expected to return on this date, unless she notifies her line manager otherwise. If she is unable to attend work at the end of her maternity leave due to sickness or injury, the Authority's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist the Authority if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give the Authority at least 28 days' notice of her date of early return, preferably in writing. If she fails to do so, the Authority may postpone her return to such a date as will give the Authority the statutory 28 days' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave had ended, the Authority may require the Employee to return to work for the remainder of the notice period.

15. Rights on or after Return to Work

On resuming work after OML, the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.

On resuming work after AML, she is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for the Authority to allow the employee to return to the same job, the Authority may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have been applied if she had not been absent.

An employee who worked full time prior to her maternity leave has no automatic right to return to work on a part time basis or to make other changes to her working patterns. However, all requests for part time work or other flexible working arrangements will be considered in line with the operational requirements of the Authority and the employee's statutory right to request flexible working subject to meeting the qualifying service criterion of 26 weeks. If an employee would like this option to be considered, she should write to her line manager setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request.



ONCHAN DISTRICT COMMISSIONERS

Application for Maternity Leave

Please complete and forward to your Line Manager

Name:	
Line Manager:	
Your leave dates	
<p>The baby is due on:</p> <p>I enclose a copy of my Maternity Certificate (MATB1) <input type="checkbox"/></p> <p>I would like my maternity leave to start on:</p> <p>My last day at work will be:</p> <p>I wish to take days holiday immediately prior to commencing my maternity leave</p> <p>I wish to take:</p> <ul style="list-style-type: none"> • 26 weeks <input type="checkbox"/> • 52 weeks <input type="checkbox"/> <p>or</p> <p>I wish to return to work on (You do not need to elect an earlier date now but you will need to give 28 days' notice if you either need to delay your return or decide to return earlier).</p> <p>Signature:</p> <p>Date:</p>	
To be completed by Line Manager	
<p>Employee start date: Length of service:</p> <p>Eligible for Additional Maternity Leave Yes/No</p>	

TO BE TYPED ON ONCHAN DISTRICT COMMISSIONERS LETTERHEAD

Dear

Re: Maternity Leave

Thank you for forwarding your Application for Maternity Leave and MAT B1 forms and congratulations once again.

As your Employer I want to make sure that your health and safety as a pregnant mother are protected while you are working, and that you are not exposed to risk. I have already carried out an assessment to identify hazards in our workplace that could be a risk to any new, expectant, or breastfeeding mothers. Now you have told me you are pregnant I will arrange for a specific risk assessment of your job and we will discuss what actions to take if any problems are identified. If you have any further concerns following this assessment and specifically in relation to your pregnancy, please let me know immediately.

Maternity Leave:

I confirm that you are eligible to take 26 weeks Ordinary Maternity Leave (OML) **plus 26 weeks Additional Maternity Leave (AML).**

Given your chosen start date of **(insert date)** your maternity leave will end on **(insert date).**

If you want to change the start of your maternity leave if at all possible, tell me at least 28 days before your proposed new start date or 28 days before **(insert original start date)** whichever is sooner.

If you decide to return to work before **(insert date maternity leave due to end)** you must give me at least 28 days' notice of the date you wish to return.

Accrued Leave:

Your accrued annual leave allowance for **(current year)** together with accrued Bank Holidays has been calculated as being **(insert number of accrued days)** and I have agreed that the total of these accrued leave days will be taken prior to **(start date of maternity leave above).**

Maternity Pay:

There is no statutory maternity pay however you may be eligible to receive up to 39 weeks Maternity Allowance. If you are eligible, the first 6 weeks will be paid at 90% of your average weekly earnings in the test period up to a maximum of £179.85 a week (as at April 2019).

For more information go to www.gov.im/socialsecurity, email incapacitybenefits@gov.im or telephone 685108/685109

Should you decide not to return to work at the end of your maternity leave, or return and subsequently resign from your position, you must give proper notice in accordance with the terms and conditions of your employment.

Maternity Leave Policy

During your maternity leave you may wish to keep in touch with the Authority to keep up to date with events and information and/or plan your return to work. I will keep you informed of any changes that are likely to affect you on your return to work.

If required and agreed, you can undertake up to 10 days' work during your maternity leave without this affecting your period of maternity leave or Maternity Allowance, these are known as 'Keep in Touch' days (KIT). Any work carried out on a day shall constitute a day's work for payroll purposes.

We wish you well with the rest of your pregnancy, and should you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely

c.c. Payroll